

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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QUENTIN WHITE,

Plaintiff,

ORDER
09 CV 4238 (NGG)(LB)

-against-

NEW YORK CITY DEPARTMENT OF
CORRECTIONS MEDICAL UNIT, et. al.,

Defendants.

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BLOOM, United States Magistrate Judge:

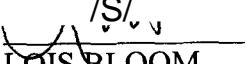
By letter dated May 20, 2010, defendants state they will conduct a “sworn photo array” prior to the June 22, 2010 telephonic status conference. See docket entry 17. As the record reflects, the Court directed “Corporation Counsel to ascertain the full names and service addresses of the five officers who were allegedly involved in plaintiff’s delay or denial of access to medical care from May 16, 2009 through May 25, 2009” pursuant to Valentin v. Dinkins, 121 F.3d 72 (2d. Cir. 1997) (per curiam). See docket entry 9. The Court has since extended Corporation Counsel’s time to comply with the Court’s order. See docket entries 10, 14, 16.

Defendants’ May 20, 2010 letter states that the identification procedure suggested by the Court is no longer necessary since plaintiff has been moved to Fulton Correctional Facility in the Bronx and there is no longer a logistical issue with conducting a sworn photo array. See docket entry 17. However, defendants are reminded that this is a civil case and they should only show plaintiff photographs of the individuals on duty at A.M.K.C. (C-95), West 18 Lower A-Side Unit from May 19, 2009 to May 25, 2009.¹ See Beckles v. The City of New York, No. 08 Civ. 3687

¹ Defendants’ March 25, 2010 letter states they had “identified thirty possible Correction Officers who may be the intended individual defendants.” See docket entry 11. However, plaintiff seeks to name both corrections and medical unit personnel.

(RJH)(JCF), 2010 WL 1841714, 6 (S.D.N.Y. May 10, 2010) (“there is no precedent in this Circuit for requiring criminal identification procedures to be used in a civil case where the plaintiff is seeking access to photos of the defendants in order to identify the officer(s) who violated her constitutional rights” (citing Snoussi v. Bivona, No. 05 CV 3133(RJD)(LB), 2009 WL 701007, at 3 (Mar. 10, 2009))).

SO ORDERED.


/S/
LOIS BLOOM
United States Magistrate Judge

Dated: May 28, 2010
Brooklyn, New York